

Rangel	Scott (VA)	Udall (CO)
Reyes	Serrano	Udall (NM)
Ross	Sherman	Van Hollen
Rothman	Skelton	Velázquez
Roybal-Allard	Slaughter	Visclosky
Ruppersberger	Smith (WA)	Wasserman
Rush	Snyder	Schultz
Ryan (OH)	Solis	Waters
Sabo	Spratt	Watson
Salazar	Stark	Watt
Sánchez, Linda	Strickland	Waxman
T.	Tanner	Weiner
Sanchez, Loretta	Tauscher	Wexler
Sanders	Taylor (MS)	Woolsey
Schakowsky	Thompson (CA)	Wu
Schiff	Thompson (MS)	Wynn
Schwartz (PA)	Tierney	
Scott (GA)	Towns	

## NOT VOTING—7

Carter	Hinchey	Stupak
Eshoo	Hinojosa	
Feeney	Radanovich	

□ 1146

Messrs. BLUMENAUER, KANJORSKI, OBEY, RANGEL, and TIERNEY changed their vote from “yea” to “nay.”

Mr. TANCREDO changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### NOTICE OF INTENTION TO OFFER MODIFICATION TO NADLER AMENDMENT TO REAL ID ACT OF 2005

(Mr. NADLER asked and was given permission to address the House for 1 minute.)

Mr. NADLER. Mr. Speaker, I would like to take this time to explain a unanimous consent request I am about to make.

Mr. Speaker, I regret I must request unanimous consent to amend my amendment, which I am going to offer later, but the process the majority has chosen to use is, to say the least, unfair. The rule makes in order virtually a new bill, which we did not get to see until after the deadline for submitting amendments to the Committee on Rules.

There was no opportunity to draft our amendments to reflect the bill that we are now considering. My amendment would strike section 101 from the bill as amended by the manager's amendment. But the manager's amendment adds a provision to which we do not object, namely, raising the cap on asylum adjustments. This unanimous consent request would change my amendment so as not to change this good provision added at the last minute by the chairman. If we had seen the manager's amendment before the Committee on Rules deadline, this request would not be necessary.

□ 1145

If the majority is sincere in wanting a fair process, there should be no reason to object to this unanimous consent request. This unanimous consent request would not have been necessary if we had seen the manager's amendment before the rules deadline.

#### REQUEST FOR MODIFICATION TO AMENDMENT NO. 4 TO REAL ID ACT OF 2005

Mr. NADLER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 418 pursuant to House Resolution 75, it may be in order to consider amendment No. 4 in House Report 109-4 in the modified form I have placed at the desk.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT TO H.R. 418 OFFERED BY MR. NADLER OF NEW YORK

Strike section 101 of the bill (and redesignate the succeeding sections of title I accordingly).

Insert, Section 101:

(a) REMOVAL OF CAPS.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)—

(A) by striking “Service” and inserting “Department of Homeland Security”; and

(B) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security or the Attorney General”;

(2) in subsection (b)—

(A) by striking “Not more” and all that follows through “asylum who—” inserting “The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—”; and

(B) in the matter following paragraph (5), by striking “Attorney General” and inserting “Secretary of Homeland Security or the Attorney General”;

(3) in subsection (c), by striking “Attorney General” and inserting “Secretary of Homeland Security or the Attorney General.”

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

#### REAL ID ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 75 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 418.

□ 1146

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 418) to establish and rapidly implement

regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, with Mr. UPTON (the Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 9, 2005, all time for general debate pursuant to House Resolution 71 had expired. Pursuant to House Resolution 75, no further general debate shall be in order.

Pursuant to House Resolution 75, the amendment printed in part A of House Report 109-4 is adopted and the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered read.

The text of H.R. 418, as amended, is as follows:

#### H.R. 418

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “REAL ID Act of 2005”.

#### TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

#### SECTION 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking “The Attorney General” the first place such term appears and inserting the following:

“(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General”;

(2) by striking “the Attorney General” the second and third places such term appears and inserting “the Secretary of Homeland Security or the Attorney General”; and

(3) by adding at the end the following:

“(B) BURDEN OF PROOF.—

“(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for persecuting the applicant.

“(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse